

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	CASE NO.: CR05-322-RSM
)	
Plaintiff,)	
)	
v.)	DETENTION ORDER
)	
JOSE CRUZ-ORTEGA)	
a/k/a HERRERA-AQUINO)	
a/k/a/ ORTIZ-SEDILLO,)	
)	
Defendant.)	

Offense charged:

Conspiracy to Distribute Methamphetamine and Cocaine; Distribution of Methamphetamine; Possession with Intent to Distribute Methamphetamine

Date of Detention Hearing: September 6, 2005

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant has been indicted for Conspiracy to Distribute Methamphetamine and Cocaine, as well as Distribution and Possession with Intent to Distribute Methamphetamine. As

01 ten year-plus drug offenses, there is a presumption of detention under 18 USC §3142(e).

02 (2) Defendant is charged under the name of Jose Cruz-Ortega. He contends that his
03 true name is Ortiz-Sedillo, and that he is sometimes known as Herrera-Aquino. The government
04 has fingerprint evidence that defendant is the person charged in the Indictment, and will file a
05 Superseding Indictment correcting the case caption.

06 (3) Defendant was not interviewed by Pretrial Services. He was born in Mexico. There
07 is no other information available regarding his personal history, residence, family ties, income,
08 financial assets or liabilities, physical/mental health or controlled substance use if any.

09 (4) An immigration detainer has been filed by the Bureau of Immigration and Customs
10 Enforcement. The defendant has a criminal record history that includes a prior VUCSA charge.
11 He is associated with multiple alias names and birth dates. He was last deported from the United
12 States in August 2002 and has no legal status in the United States.

13 (5) The defendant does not present evidence in opposition to the motion for detention.

14 (6) The defendant poses a risk of nonappearance based on unknown background
15 information and illegal status in the United States. He poses a risk of danger based on the nature
16 of the instant offense and criminal history.

17 (7) There does not appear to be any condition or combination of conditions that will
18 reasonably assure the defendant's appearance at future Court hearings while addressing the danger
19 to other persons or the community.

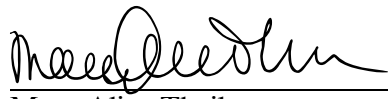
20 It is therefore ORDERED:

21 (1) Defendant shall be detained pending trial and committed to the custody of the
22 Attorney General for confinement in a correction facility separate, to the extent
23 practicable, from persons awaiting or serving sentences or being held in custody
24 pending appeal;

25 (2) Defendant shall be afforded reasonable opportunity for private consultation with
26 counsel;

- 01 (3) On order of a court of the United States or on request of an attorney for the
02 Government, the person in charge of the corrections facility in which defendant is
03 confined shall deliver the defendant to a United States Marshal for the purpose of
04 an appearance in connection with a court proceeding; and
- 05 (4) The clerk shall direct copies of this Order to counsel for the United States, to
06 counsel for the defendant, to the United States Marshal, and to the United States
07 Pretrial Services Officer.

08 DATED this 6th day of September, 2005.

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10 Mary Alice Theiler
11 United States Magistrate Judge
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